

REMARKS

This is an application for reissue of U.S. Patent No. 6,274,220 ("the '220 patent"). Claims 1-20, as issued in the '220 patent remain pending in the application. Claims 2, 5, 6, 8, 9, 12 and 18 have been amended to correct minor typographical errors. Also, Claim 8 has been amended to include a term that was in the application as originally filed on April 28, 1998 (original Claim 13) and appeared in the last claim amendment filed December 21, 2000, but did not appear in the '220 patent as issued.

The Examiner is thanked for the courtesy shown during the telephonic interview with the Applicants' representative on June 21, 2006. During the interview, it was discussed that many of the errors in the '220 patent, including the amendment to Claim 8, are minor in nature and could be corrected by Certificate of Correction. However, it was further discussed that certain of the amendments set forth above may not be correctable by Certificate of Correction, but instead necessitated the filing of this reissue application. The details of the amendments requiring reissue will be discussed below.

The Official Action mailed April 7, 2006 indicates that none of the errors sought to be corrected can be used as a basis for a reissue application, but instead could be made by Certificate of Correction. The Applicants respectfully submit that a Certificate of Correction is only appropriate where mistakes have been made (1) of a clerical nature, (2) of a typographical nature, or (3) of minor character. MPEP §1481. Mistakes are not considered to be of a minor character if the requested change would materially affect the scope or meaning of the patent. *Id.* Reissue applications, on the other hand, are appropriate where the disclosure of the patent contains inaccuracies. MPEP §1402

(indicating that inaccuracies in the disclosure are among the most common bases for filing a reissue application.)

The Applicants agree with the Examiner that the vast majority of the requested changes are typographical or minor in nature and could be accomplished by Certificate of Correction. However, the Applicants respectfully submit that certain changes may not be permissible by Certificate of Correction, but rather require reissue examination. Among the amendments set forth above that require reissue examination are the following:

1. In column 10, line 52, the insertion of --preferably 2 to 10 μm --;
2. In column 24, lines 63-64, the change from "Example 1" to --Example 7--;
3. In column 27, line 35, the change from "30 nm" to --80 nm--;
4. In column 28, line 40, the change from "150" to --170--;
5. In column 28, line 41, the change from "8.5%" to --7.2%--;
6. In Table 11 at the title of the seventh column, the change from "Content (wt %)" to --Polymer temp at casting--; and
7. In Tables 3, 8 and 13, in the title of the eighth column, the change from "HD (nm)" to --HD--.

With the exception of No. 7, each of the changes above represents an error in the original English translation from the Japanese-language PCT document. The error in the translation for each of the above can be readily ascertained from a review of the Japanese-language PCT document as follows.

1. For the change at column 10, line 52, the published PCT application (WO 98/08892) at page 14, lines 1-3, reveals that the preferred value of 2 to 10 μm was inadvertently omitted from the

English translation filed on April 28, 1998. In the PCT application, the omitted range appears between the ranges 1-20 μm and 2.5-7 μm , which are in the translation;

2. With respect to the changes at column 24, lines 63-64, the first four characters under Example 8 (line 20) on page 34 of WO 98/08892 show that Example 8 is referring to Example 7;

3. With regard to the change at column 27, line 35, WO 98/08892, at page 39, line 2 (the first line under Example 11) indicates a value of 80nm;

4. Respecting the change at column 28, line 40, WO 98/08892, at line 7 under Example 12 on page 39, identifies the values of 120°C and 170°C. The original translation erroneously indicated values of 120°C and 150°C;

5. For the change at column 28, line 41, WO 98/08892, at line 8 under Example 12 on page 39, identifies a value of 7.2%; and

6. For the change in Table 11, the title to the seventh column is shown on page 41 of WO 98/08829.

With respect to No. 7 above, the change to Tables 3, 8 and 13, the value of HD is defined as the average protrusion height/average protrusion diameter. See, column 4, lines 63-66 of the '220 patent. Therefore it is self evident that HD is an absolute number and should not be associated with the unit "nm" as set forth in the original translation and in the '220 patent.

In light of the above, it is respectfully submitted that several of the changes requested in this reissue application are appropriately performed by way of reissue rather than Certificate of Correction. Therefore, this reissue application is necessary.

In addition to the issue regarding sufficiency of a Certificate of Correction for the requested changes, the Official Action indicates that the Oath/Declaration is unacceptable because it does not

identify the mailing address or citizenship of each of the inventors. A new Declaration, freshly signed by the inventors, is enclosed herewith.

The Examiner has objected to the application because the Assignee has allegedly not established its ownership interest in the patent. The Applicants' hereby submit that an Assignment of the application leading to the '220 patent from the inventors to Toray Industries, Inc. was recorded in the Patent Office on April 28, 1998 at Real 9368, Frame 0161. The Assignment included any patents issuing on the application and reissues thereof. As such, the Assignment of record covers the present application.

For the reasons set forth above, it is respectfully requested that the objections and rejections set forth in the Official Action be reconsidered and withdrawn. It is respectfully submitted that the application is in condition for allowance, and that the patent be reissued as requested.

Respectfully submitted,



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